

No. 23-13292-G

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

UNITED STATES OF AMERICA,

Respondent/appellee,

v.

MINAL PATEL,

Movant/appellant.

**On Appeal from the United States District Court
for the Southern District of Florida**

**APPELLANT'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE INITIAL BRIEF**

**RICHARD C. KLUGH, ESQ.
Counsel for Appellant
40 N.W. 3rd Street, PH1
Miami, Florida 33128
Tel. No. (305) 536-1191**

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

United States v. Minal Patel, Case No. 23-13292-G

Appellant, Minal Patel, files this Certificate of Interested Persons and Corporate Disclosure Statement, listing the parties and entities interested in this appeal, as required by 11th Cir. R. 26.1.

Aetna, Inc., a subsidiary of CVS Health Corporation (CVS)

Argentieri, Nicole M.

Bentley III, A. Lee

Besen, Gene R.

Brown, Richard O. I.

Calderon, Marx

Centene Corporation (CNC)

Centers for Medicare and Medicaid Services

Cuyler Jr., Reginald

CVS Health Corporation (CVS)

Dinnen, Michael W.

Duffy, Jerrob

Dwyer, Jared Edward

Furtado, Kathryn C.

Griner, Shawn

United States vs. Minal Patel, Case No. 23-13292-G
Certificate of Interested Persons (Cont'd)

Goodman, Hon. Jonathan, U.S. Magistrate Judge

Gurskis, Emily

Hayes, James V.

Herbert, Brendan I.

Hirsch, Brett

Humana, Inc. (HUM)

Keown, Lindy Kathryn

Klco, Sara Michele

Klugh, Richard C.

Kosmidis, John

Laserna, Peter A.

Loper, Timothy P.

Lytle, Christopher

Matthewman, Hon. William, U.S. Magistrate Judge

McKeon, Christina

Michaels, Steven S.

Miller, Lisa H.

Orr, Gregory

United States vs. Minal Patel, Case No. 23-13292-G
Certificate of Interested Persons (Cont'd)

Queenan, Patrick J.

Raines, Lauren Goldberg

Ramamurthy, Senthil

Raphael, Kevin E.

Reinhart, Hon. Bruce E., U.S. Magistrate Judge

Rookard, Katherine

Salnick, Michael

Sanders, Jeremy R.

Scanlon, John

Speights, Ric

Sporn, Marc

Sztyndor, Robyn Lynn

United HealthCare Services, Inc., a subsidiary of UnitedHealth Group (UNH)

UnitedHealth Group (UNH)

WellCare Health Plans, Inc., a subsidiary of Centene Corporation (CNC)

Zimet, Bruce Alan

Ziros, Athanasios

**APPELLANT’S UNOPPOSED MOTION TO EXTEND
TIME TO FILE APPELLANT’S INITIAL BRIEF**

Appellant, Minal Patel, through undersigned counsel, respectfully requests that the Court grant an extension of time of 30 days to file his initial brief.

1. This is an appeal from the defendant’s conviction and 27-year sentence following a jury trial on charges of Medicare fraud, money laundering, and false statements arising from an extensive federal investigation of health care and wire fraud in the provision of, and insurance billing for, genetic testing for cancer risks. Appellant’s initial brief is due on October 30, 2024. Prior unopposed extensions of time have been granted in light of the extraordinarily extensive record in this case. As to the undersigned, this is a cold record appeal. The defendant is incarcerated.

2. The record in this appeal is unusually voluminous and complex. The charges include fraud, conspiracy, kickbacks, and money laundering, with the sums allegedly involved exceeding \$450 million. The district court imposed forfeiture in the amount of \$187,369,693, in addition to a restitution judgment in the same amount. There are more than 2,000 government trial exhibits, with many consisting of extensive compilations of documentary and medical records. There are more than 3,000 pages of transcripts of district court proceedings and more than 580 docketed filings. The case involves complex medical and scientific issues on genetic testing and first impression issues arising from the charged genetic testing fraud.¹

¹ The testing included cancer genomic (CGx) testing, using DNA sequencing to detect genetic mutations that may indicate a higher risk of developing certain types of cancers, and pharmacogenetic (PGx) testing, using DNA sequencing to assess how the body’s genetic makeup would affect the response to certain medications.

3. This extension of time is sought based, in part, on the government's filter team's production to undersigned counsel last week of potentially privileged material bearing on a central issue on appeal, litigated prior to and after the jury verdict—specifically, multiple conflicts of interest of the defendant's trial counsel. The newly-produced filter team material, which totals more than 2,000 pages of communications and information, relates to an attorney for the defendant who was disbarred from practice in the district court based on conduct undertaken while serving as co-counsel for the lead defense attorney. Much of the information appears to be potentially relevant to the conflict-of-interest issues. Undersigned counsel is attempting to complete review and analysis of the newly-produced material and to confer with the defendant and with former counsel regarding the this production from the disbarred attorney who worked directly with the lead trial attorney, but has been unable to do so prior to the briefing due date, particularly in light of the defendant's incarceration in an out-of-state prison. Counsel is seeking to arrange an attorney visit to address the filter team material with the defendant.

4. The filter team production, in combination with disclosure of related information through recent litigation in another criminal case in the Southern District of Florida, appears to have relevance, at a minimum, to the issue of the district court's denial of an evidentiary hearing on issues of conflict of interest raised in the defendant's presentencing motion for new trial. Review of the newly-produced and newly-available information will assist in assuring that the relevant record on appeal is complete, that the appellate arguments are factually sound, and that any additional

transcript preparation or unsealing of additional transcripts is effected. Given the unusual procedural history of this case, and to ensure effective assistance of counsel on appeal, the requested extension of time is warranted and will serve the interests of justice and judicial economy. The totality of the circumstances warrants granting the requested extension of time.

5. Counsel for the government, United States Department of Justice Attorney Jeremy Sanders, advises that the government does not oppose this motion.

WHEREFORE, appellant Minal Patel respectfully moves to extend the time to file his initial brief by 30 days to November 29, 2024.

Respectfully submitted,

s/ Richard C. Klugh
Richard C. Klugh, Esq.
40 N.W. 3rd Street, PH1
Miami, Florida 33128
Tel. (305) 536-1191
rklugh@klughlaw.com

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion contains 658 words and complies with the typeface and type-style requirement of Fed. R. App. P. 32(a)(5) and (6) because it was prepared in a WordPerfect proportionally spaced Times New Roman 14-point font.

s/ Richard C. Klugh
Richard C. Klugh, Esq.